

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§10–806.

(a) In this section, “responsible official” means:

(1) If the individual is held in a Veterans’ Administration hospital, the chief officer of the Veterans’ Administration hospital; or

(2) If the individual is held in any other facility, the Director or the administrative head of the facility.

(b) At the direction of the responsible official, an individual who has been admitted under this title shall be released from a facility or a Veterans’ Administration hospital if the individual:

(1) Does not have a mental disorder; or

(2) Has a mental disorder but:

(i) Does not need inpatient medical care or treatment to protect the individual or another;

(ii) Would not endanger the individual or the person or property of another; and

(iii) Would be cared for properly by the individual or by a responsible person who is able and willing to care for the individual.

(c) (1) At the direction of the responsible official, any individual who has been admitted under this title shall be released conditionally from a State facility within 2 weeks after the responsible official, with the written consent of the individual:

(i) Certifies that the individual:

1. Would not endanger the individual or the person or property of another; and

2. Could live in the community with appropriate assistance under the protective services program provided for in § 14–201 of the Family Law Article; and

(ii) Notifies the provider of the protective services and the local department of social services in the county where the individual would live.

(2) At the direction of the responsible official, any individual who has been admitted under this title may be released conditionally from a facility other than a State facility or from a Veterans' Administration hospital, if, in the judgment of the responsible official, the individual:

(i) Would be cared for properly by the individual or by a responsible person who is able and willing to care for the individual; and

(ii) Would not endanger the individual or the person or property of another.

(3) The responsible official may set the conditions for release that the responsible official considers reasonable. The conditions may relate to:

(i) The duration of the release; or

(ii) Care or treatment during release.

(4) As resources allow, services shall be provided to individuals released from a State facility in accordance with the aftercare plan required by § 10–809 of this subtitle, as follows:

(i) The Behavioral Health Administration shall provide community mental health services that are suitable to the needs of the individual;

(ii) The Division of Rehabilitation Services shall provide, to individuals determined to be eligible, vocational rehabilitation services and occupational placement opportunities consistent with the assessed needs and abilities of the individual; and

(iii) The Department of Human Services shall provide needed case management services and shall make arrangements for housing suitable to the needs of the individual.

(5) For purposes of annual examination and execution of new admission documents, an individual released conditionally is considered to be held by the facility or Veterans' Administration hospital from which the individual was released.

(d) A facility shall release an individual who has been admitted to the facility within 1 year after the admission if, before the expiration of that 1-year period:

(1) The individual, whether admitted on a formal, written application or on informal request, does not execute a new application for the voluntary admission;

(2) The parent or guardian does not execute a new request for the voluntary admission of the minor individual; or

(3) The physician and psychologist or 2 physicians do not execute the new certificates required for involuntary admission of the individual.

(e) Each determination on any release of an individual, whether full or conditional, including a summary of the reasons for the determination, shall be made a permanent part of the individual's record.

[\[Previous\]](#)[\[Next\]](#)